

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

MICHAEL DOMANN AND  
MARY JO DOMANN  
10824 Watercress Road  
Strongsville, Ohio 44149

Plaintiffs,

vs.

FRONTIER AIRLINES  
C/O CORPORATION SERVICE  
COMPANY  
3366 Riverside Drive, #103  
Upper Arlington, Ohio 43221

AND

HUNTLEIGH USA CORP.  
5300 Riverside Drive  
Cleveland, Ohio 44135

AND

CITY OF CLEVELAND  
Cleveland Hopkins Airport  
C/O 601 Lakeside Avenue E.  
Cleveland, Ohio 44114

Defendants.

Case No. 1:22-cv-2243

JUDGE BRIDGET MEEHAN BRENNAN

**DEFENDANT FRONTIER AIRLINES,  
INC.'S AND DEFENDANT CITY OF  
CLEVELAND'S RESPONSE TO  
PLAINTIFFS' MOTION TO REMAND**

Defendant Frontier Airlines, Inc. ("Frontier") and Defendant City of Cleveland (the "City") (collectively, the "Defendants") hereby respond to Plaintiffs' Motion for Remand for Lack of Diversity Jurisdiction (Doc #: 12) ("motion to remand").

On October 30, 2023, the Court issued a text-only Show Cause Order, which states in relevant part, "Upon review of Defendant Frontier Airlines' notice of removal (Doc. No. 1), it is not clear that this Court has subject matter jurisdiction over the instant action. Specifically, it is

not clear that Defendant City of Cleveland was fraudulently joined. Accordingly, the parties are ordered to show cause why this matter should not be remanded for lack of jurisdiction.”

The Court’s Show Cause Order also set a briefing schedule, including in part, “Defendants shall respond to this order on or before 11/29/2023; if Plaintiffs wish to file a responsive brief, said brief shall be due on or before 12/14/2023.” Nevertheless, on November 16, 2023 – nearly two weeks before the Defendants’ response was due – Plaintiffs filed their motion to remand. (Doc #: 12) Therein, Plaintiffs appear to abandon their claims against the City “under 49 USC and 29 USC,” as alleged in their Complaint. (*Id.*) Instead, Plaintiffs argue for the first time that the City is a properly joined defendant pursuant to a new theory of premises liability. (*Id.*)

On November 29, 2023, the Defendants timely filed their response to the Show Cause Order. (Doc #: 13) Therein, the Defendants clarified that the City was fraudulently joined and this Court has subject matter jurisdiction over the instant action. (*Id.*) Additionally, the Defendants clarified that the City was fraudulently joined even under the premises liability newly advanced in Plaintiffs’ motion to remand. (*Id.*)

In the interests of judicial economy, the Defendants hereby incorporate by reference all the arguments and authorities set forth in their response to the Show Cause Order (Doc #: 13) as their response to Plaintiffs’ motion to remand. For all the reasons set forth in the Defendants’ response to the Show Cause Order (Doc #: 13), it is clear that the City was fraudulently joined and this Court has subject matter jurisdiction over the instant action. Accordingly, Plaintiffs’ motion to remand should be denied with prejudice.

Respectfully submitted,

TAFT STETTINIUS & HOLLISTER LLP

By: /s/ Scott R. Torpey  
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**LOCAL RULE 7.1(f) CERTIFICATION**

I hereby certify that this case has not been assigned to a track, and the foregoing memorandum adheres to the page limitations set forth in LR 7.1(f).

By: /s/ Scott R. Torpey

**CERTIFICATE OF SERVICE**

I hereby certify that on December 11, 2023, I caused the foregoing document to be electronically filed with the Clerk of the Court using the ECF system, which sent notification of such filing upon all ECF Participants.

By: /s/ Scott R. Torpey

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